

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

REX GARD,  Plaintiff,  vs.  BOB DOOLEY, CHIEF WARDEN, INDIVIDUAL AND OFFICIAL CAPACITY; JENIFER STANWICK, DEPUTY WARDEN, INDIVIDUAL AND OFFICIAL CAPACITY; REBECCA SCHIEFFER, ASSOCIATE WARDEN, INDIVIDUAL AND OFFICIAL CAPACITY; SUSAN JACOBS, ASSOCIATE WARDEN, OFFICIAL AND INDIVIDUAL CAPACITY; TAMMY DEJONG, UNIT STAFF, OFFICIAL AND INDIVIDUAL CAPACITY; AND OTHER DOC STAFF, UNKNOWN AT THIS TIME, INDIVIDUAL AND OFFICIAL CAPACITIES;  Defendants.	4:14-CV-04183-LLP  ORDER ON MOTIONS
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Pending is Plaintiff's Motion for Extension of Time to Pay Initial Partial Filing Fee (Docket 7) which requests an extension of 60 days to remit the initial partial filing fee ordered by the court.

Also pending is Plaintiff's Motion for Court Order to Access Frozen Funds (Docket 8). Plaintiff states the prison refuses to permit him access to the frozen funds in his prisoner trust account in order that he may pay the initial partial filing fee. Plaintiff alleges "Warden Dooley's refusal is an

attempt to impede his access to the Court system in retaliation for filing Civil 13-4062 and Civil 14-4023.” Plaintiff’s assertion is wholly without merit and the prison is, in fact, following this court’s directive.<sup>1</sup>

Accordingly, it is hereby

ORDERED that:

1. Plaintiff’s Motion for Extension (Docket 7) is GRANTED. Plaintiff shall have until March 16, 2015, to pay the initial partial filing fee of \$31.00.
2. Plaintiff’s Motion for Court Order (Docket 8) is DENIED.

DATED this 15th day of January, 2015.

BY THE COURT:



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VERONICA L. DUFFY  
United States Magistrate Judge

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<sup>1</sup> See Miller v. Weber, CIV. 11-4176, Doc. 13 (D.S.D. filed Jan. 23, 2013)(copy attached).